

## **REMARKS**

Claims 10, 13, 15-20 and 25-30 are pending in this application. Claims 10, 13, 16-17 and 25-28 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 10, 13, 15-18 and 25-29 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* (USP 6,784,917) in view of *Swift et al.* (U.S. Patent Application Publication No. 2002/0122585); and rejected claims 19-20 and 30 under 35 U.S.C. §103(a) as being unpatentable over *Yamamoto et al.* in view of *Swift et al.* and further in view of *Iizuka et al.* (U.S. Patent Application Publication No. 2002/0054207). Applicants respectfully traverse these rejections.

## **Examiner Interview**

Applicants wish to thank the Examiner for the Interview conducted on January 17, 2008. During the Interview, the parties discussed the outstanding rejections. Specifically, Applicants presented arguments regarding the deficiencies of the teachings of the combination of the cited references. Further, Applicants presented arguments asserting the combination of the cited references is improper. The arguments presented herein are made further to the discussions had during the Interview.

### **Claim Rejections – 35 U.S.C. §103 – *Yamamoto et al./Swift et al.***

Claim 10 recites an image coding apparatus for coding a plurality of images data corresponding respectively to a plurality of viewpoints, comprising a joining means for joining the plurality of images data based on a predetermined joining method; a coding means for coding a joined image data; and a 2-dimensional display image generating method coding means for coding a method representing how a 2-dimensional display image is generated from the joined image data.

In support of the Examiner's rejection of claim 10, the Examiner admits that *Yamamoto et al.* fails to teach or suggest a 2-dimensional display image generating method coding means for coding a method of generating a 2-dimensional display image from the joined image data. The Examiner relies on the teachings of *Swift et al.* to cure the deficiencies of the teachings of *Yamamoto et al.* citing to paragraphs [0027] and [0050]-[0051] and Fig. 1. Applicants respectfully disagree with the Examiner's characterization of this reference.

The Examiner is reminded that in order to establish *prima facie* obviousness, the Examiner must provide references that teach or suggest all of the claim elements. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

As noted during the Interview, the disclosure of *Swift et al.* is directed to an electronic stereoscopic media delivery system.

At paragraph [0030], *Swift et al.* discloses as follows:

[0030] The encoding processes used include independent compression of the Left and Right images. ...

As can be seen from the above teachings, *Swift et al.* discloses that the 2D image is generated from either the right or left monoscopic views that are not joined. The left and right images are independently compressed.

However, claim 10 clearly recites joining the plurality of images data based on a predetermined joining method and coding a joined image data. As such, Applicants maintain that

Swift et al. fails to teach or suggest a joining means for joining the plurality of images data based on a predetermined joining method and a coding means for coding a joined image data.

Further, claim 10 clearly recites coding a method representing how a 2-dimensional display image is generated from the joined image data.

During the Interview, the Examiner asserts that he is relying upon the VRR script to teach this claim element. However, the Examiner could not identify any portion in the cited reference that teaches this claim element. The Examiner asserts that it may be possible for the VRR script to code a method representing how a 2-dimensional display image is generated from the joined image data. However, this assertion is wholly insufficient to support a claim of obviousness.

It is well known that, even if the Examiner's assertion is true, and that it possible to store this information in a VRR script, the mere possibility is insufficient to establish a teaching in support of the claim rejection. The Examiner's argument amounts to an inherency argument. However, it is well known that the court in *In re Robertson* held "to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Swift et al. fails to teach or suggest coding a method representing how a 2-dimensional display image is generated from the joined image data.

Further, because Swift et al. teaches generating 2D image from either the right or left monoscopic views that are not joined, Swift et al. thus fails to teach or suggest that a 2-dimensional display image is generated from the joined image data. In addition, based on Applicants' understanding of the Examiner's rejection, the left or right image itself of Swift et al. corresponds to the claimed "2-dimensional display image." However, Swift et al. fails to teach or

suggest a method representing how the left or right images (2-dimensional display image) is generated and coded.

For at least these reasons, Applicants respectfully submit that neither of the references, either alone or in combination, teach or suggest all of the claim elements and, as such, the Examiner has failed to establish *prima facie* obviousness. It is respectfully requested that the outstanding rejection be withdrawn.

In addition to the above arguments, Applicants respectfully submit that one skilled in the art would not be motivated to modify the system in Swift et al. to code a method representing how a 2-dimensional display image is generated from the joined image data.

Swift et al., in paragraphs [0027]-[0028] seeks to provide a single media file format that is converted to various display formats on the user side. The format of the original left and right image is known based on a tag within the stereoscopic 3d media file. On the user's side, the user may then select a display method wherein the information in the single media file may be displayed in the selected format.

As such, since Swift et al. provides solely for a single media file format, that incorporates independent compression of the left and right images, there is no need to code a method representing how a 2-dimensional display image is generated from the joined image data. Thus, there is no proper rationale for modifying Swift et al. as suggested by the Examiner.

For all of the reasons set forth above, Applicants respectfully submit that claim 10 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 13, 16-17 and 25-28 include elements similar to those discussed above with regard to claim 10 and thus these claims, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 10.

In support of the Examiner's rejection of claim 16, the Examiner admits that *Yamamoto et al.* fails to teach or suggest the header information in a predetermined format, wherein the header portion stores stereo image identification information that represents the fact that the coded data constitutes a stereo image made up of a plurality of images data and information that represents a joining method of joining the plurality of images data. The Examiner relies on the teachings of *Swift et al.* to cure the deficiencies of the teachings of *Yamamoto et al.* citing to Fig. 10, VRR file, ref. nos. 1004, 1006 and 1008.

As previously noted on the record, VRR (a Vector-based gRaphic editoR) is a software application designed especially for creating illustrations of mathematical articles. All objects can be determined not only by absolute coordinates, but also by geometric dependencies on other objects – intersections, significant points, other curves etc. When an object is changed, the dependent objects are recalculated automatically. This enables a user to modify the image easily without breaking the lines visually tied together.

*Swift et al.* discloses in paragraph 0054 as follows:

A stereo media file format may contain certain sub media such as VRR and blocks. An embodiment supports a stereoscopic media file that contains sub-media. Specifically, a file structure is created to store and preserve various types of stereo media in various formats. Additionally, this file format can also store monoscopic media, as well as audio or other data. This one file format can store multiple or single stereo/non-stereo media elements. FIG. 10 illustrates a VRR file 1000 that may contain a script 1002, a Stereo Still Image 1004, a Stereoscopic Animation/movie 1006, Stereoscopic Object Model 1008, a Thumbnail 1010, and Audio 1012. This embodiment also allows multiple resolution images to be stored in one media file or to be referenced (linked to) from one media file.

Applicants respectfully submit that Fig. 10, and the description of Fig. 10 as set forth above, fails to teach or suggest a recording medium storing coded image data together with header information, wherein **the header portion stores stereo image identification information**. Further Applicants respectfully submit that *Swift et al.* fails to teach that **the header portion stores information that represents the fact that the coded data constitutes a**

**stereo image and information that represents a joining method of joining the plurality of images data.**

*Swift et al.* discloses a VRR script together with a plurality of media elements. However, this information is insufficient to teach the header information as claimed. Clearly, as shown in Fig. 10, the VRR script is included within the VRR file. There is no disclosure that is directed to identifying what type of information is included in the VRR file header. Thus, there can be no teaching in *Swift et al.* that is directed to the header portion storing information that represents a joining method of joining the plurality of images data. As such, Applicants maintain that claim 16 is not obvious over the references as cited.

Claim 17 includes elements similar to those discussed with regard to claim 16 and thus, claim 17 is not obvious over the references as cited.

Claim 25 recites an image recording apparatus for recording a plurality of images data corresponding respectively to a plurality of viewpoints, into a recording area, wherein the recording area includes an image recording sector for recording the joined image data or the 2-dimensional image data; an audio recording sector for recording an audio data; and a subcode sector for recording an associated information.

In support of the Examiner's rejection of this claim, the Examiner, again, relies on Fig. 10 of *Swift et al.* to teach these claim elements, specifically referring to elements 1002, 1004, 1006 and 1012. Applicants disagree that these elements are sufficient to teach the sectors as claimed.

Fig. 10 merely depicts a block diagram of the media elements that are included in VRR file 1000. The media elements of VRR file 1000 are insufficient to teach or suggest **the recording sectors of the recording area** as recited in the claim. As such, claim 25 is not obvious over the references as cited as *Swift et al.* fails to cure the deficiencies of the teachings of *Yamamoto et al.*

Claims 26 and 27 recite elements similar to those discussed with regard to claim 25 and thus these claims are not obvious over the references as cited for the reasons set forth above with regard to claim 25.

Claim 28 recites a recording area including a subcode sector for recording an associated information, and a coded data of information of generating the 2-dimensional display image is recorded in the subcode recording sector. The Examiner relies on Fig. 10, element 1002 and paragraph 0027 to teach these claim elements. However, as noted above with regard to claim 25, the media elements depicted in Fig. 10 are not sufficient to teach sectors in a recording area as recited in the claim. As such, claim 28 is not obvious over the references as cited as *Swift* fails to cure the deficiencies of the teachings of *Yamamoto*.

For all of the reasons set forth above, Applicants respectfully submit that the Examiner has failed to establish *prima facie* obviousness and thus request that the outstanding rejections be withdrawn.

### **Conclusion**

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

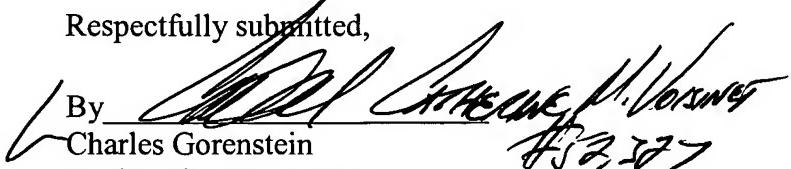
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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